

Serial No.: 10/036,628

REMARKS

A. Claim Objections

Claims 9, 11 and 16-17 were objected to due to various informalities. Claims 9, 11 and 16-17 have been canceled. Accordingly, it is submitted that the claim objections are rendered moot.

B. Claim Rejections - 35 U.S.C. § 112

Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph. Claim 10 has been canceled. Accordingly, it is submitted that the rejection under 35 U.S.C. § 112 is rendered moot.

C. Double Patenting

Claims 1-8 and 11-20 have been provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as two copending applications. While the Applicants disagree that the instant application claimed or currently claims the same invention as the other applications, claims 1-8 and 11-20 have been canceled. Accordingly, it is submitted that the double patenting rejection is rendered moot.

D. Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 7-8, 11-17 and 19-20 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent Application Publication No. 2003/0056002 to Trethewey. Claims 1-3, 7-8, 11-17 and 19-20 have been canceled. Accordingly, it is submitted that the rejection under 35 U.S.C. § 102(e) is rendered moot.

E. Claim Rejections - 35 U.S.C. § 103

Claims 4-6, 9-10 and 18 have been rejected under 35 U.S.C. § 103(a) over Trethewey. Claims 4-6, 9-10 and 18 have been canceled. Accordingly, it is submitted that the rejection under 35 U.S.C. § 103(a) is rendered moot. It is noted that as part of the rejection under 35 U.S.C. § 103(a), the Examiner relied on "official notice." If future

Serial No.: 10/036,628

rejections are made, it is requested that the Examiner identify actual prior art references for the various claim elements so that the Applicant can have an opportunity to remark upon and/or distinguish the claimed invention from that which is demonstratively known in the art.

F. New Claims

Claims 21-28 have been added. Independent claim 21 is directed to a method of balancing workload in a VoIP system. A call connection request from a VoIP client is received by a primary VoIP proxy server that completes the connection if it has a workload capacity that does not exceed a predetermined threshold. In the event that the primary VoIP proxy server has a workload capacity over the threshold, the primary VoIP proxy server selects a delegate VoIP proxy server based on shared workload data and forwards the request to that server. In the same manner, the delegate VoIP proxy server either completes the connection or forwards the request to a selected server based on shared workload data.

The claimed process, which is novel and unobvious, transparently and efficiently services the VoIP client while distributing workload among a group of VoIP proxy servers. The claimed process leads to the ability to omit a dedicated front-end load balancing server from the system, which reduces system complexity and overhead.

The reference relied upon the Examiner in the rejections of the canceled claims is distinguishable from the subject matter of claims 21-28. For example, Trethewey relies on a dedicated load balancer to distribute connection requests among servers (paragraph 0012, last sentence). Referring to paragraphs 0023 and 0024, Trethewey's load balancer makes an assignment as to which application server will interact with the client. The assigned application server itself has no role in the process of determining which application server will service the client and the application servers themselves do not share load information with the other application servers. As such, there is no self determination of whether the application server is carrying too high of a workload to service the client or subsequent protocol used among the application servers in cases

Serial No.: 10/036,628

where the request is to be passed to a delegate server as is found in claim 21. Unmotivated changes to the teachings of Trethewey would be required to arrive at the claimed invention.

Claim 22-28 depend from claim 21 and recite additional novel and unobvious aspects of the invention.

G. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned representative to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. INMEP0105US.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By 
M. David Galin; Reg. No. 41,767

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
Telephone: (216) 621-1113
Facsimile: (216) 621-6165

R:\DGalin\INMEP0105us\INMEP0105US.R01.wpd